

REMARKS

The official action of 29 June 2009 has been carefully considered and reconsideration of the application as amended is respectfully requested.

The indication that claims 14-22 are allowed is noted with appreciation.

New claim 23 has been added more completely to define the subject matter which Applicants regard as their invention. Claim 23 limits the atmosphere used in the activating step to an inert gas in accordance with the description in the application as filed at, for example, page 5, first full paragraph, and the Examples.

Claims 1-12 stand rejected under 35 USC 112, first paragraph, as allegedly failing to comply with the written description requirement because the Examiner does not consider the specification to support the exclusion of steam. Applicants respectfully traverse this rejection.

The Examiner has acknowledged Applicants' citation of passages in the "Background" portion of the specification pointing out the drawbacks of the use of steam in the prior art processes. See, e.g., specification at page 3, first full paragraph ("The **drawback** of using steam. . ."). The Examiner nevertheless contends that these passages do not support the exclusion of steam because they refer to the prior art and not to the present process. Applicants respectfully point out, however, that the rest of the specification makes clear that the claimed invention obviates this drawback (among others). Thus, the "Objects of the invention" portion of the specification expressly states that an object of the invention is to obviate "**the drawbacks as detailed above**" (specification at page 3, lines 21-24), and the Summary makes clear that the present invention carries out these objects ("**Accordingly**, the present invention provides a process. . ."). Moreover, the specification describes that the activation of coconut shell

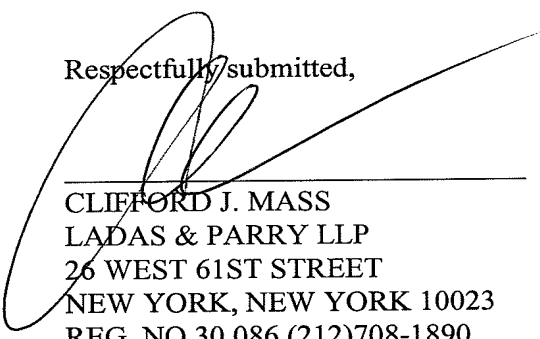
takes place in an “**inert atmosphere**” (specification at, e.g., page 5, first full paragraph), which would exclude steam, and the Examples show that the exemplified processes do not use steam.

As discussed in MPEP 2163.02, the subject matter of a claim need not be described literally (i.e., using the same terms or in *haec verba*) in order for the disclosure to satisfy the written description requirement. Possession may be shown in a variety of ways, including an actual reduction to practice and/or, as here, in describing the ways that the present process distinguishes from the prior art process. In the circumstances, Applicants respectfully submit that the specification clearly conveys to one skilled in the art that, as of the application filing date, Applicants had possession of the subject matter now claimed, i.e., a process that excludes the use of steam and thereby obviates this drawback of the prior art processes.

With particular respect to new claim 23, Applicants respectfully believe that the claim further precludes the use of steam in the activating step by limiting the step to an atmosphere consisting of an inert gas.

In view of the above, Applicants respectfully submit that the sole remaining rejection has been overcome and that the application is now in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,



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